

UNITED STATES BANKRUPTCY COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

IN RE: BRANFORD DODD

Debtor.

Bk. Case No. 15-11352 JDL  
CHAPTER 13

MOTION FOR RELIEF FROM THE AUTOMATIC STAY  
AND FOR ABANDONMENT OF PROPERTY  
AND NOTICE OF OPPORTUNITY FOR HEARING

Wells Fargo Bank, N.A., its successors and assigns, ("Movant" herein) alleges as follows:

1. That on or about April 13, 2015, the Debtor filed a Chapter 13 Petition in Bankruptcy with this Court.

2. Movant is the current payee of a mortgage note secured by a mortgage of the same date upon property generally described as follows:

LOT SEVENTEEN (17), IN BLOCK ONE (1), IN BLUERIDGE SECTION 1,  
AN ADDITION TO OKLAHOMA CITY, OKLAHOMA COUNTY,  
OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF.

PROPERTY ADDRESS: 12016 Blue Moon Avenue, Oklahoma City, OK 73162

3. Movant is informed and believes, and, based upon such information and belief, alleges that title to the subject property is currently vested in the name of Debtor.

4. As of July 24, 2017, there is currently due contractually an unpaid principal balance of \$146,168.94, plus interest at 4.75 percent per annum from September 1, 2016 plus late charges.

5. This Court ordered confirmation of the Debtor's proposed plan on August 19, 2015. The Debtor's confirmed plan called for the regular ongoing mortgage payment to be paid inside the plan, and the arrearages to be made up through the plan.

6. The Debtor has failed to make the required payments under the confirmed plan. Debtor is behind 3 post-petition payments to Wells Fargo Bank, N.A.

7. Movant alleges that there is insufficient equity in the property to be of any value to the estate and that the property is burdensome; that Movant is not adequately protected; that the subject property is not necessary to an effective reorganization or rehabilitation, and that it would be unfair and inequitable to delay this secured creditor in the foreclosure of its interest.

8. The Trustee will be deemed to have abandoned his interest in said property and he will be authorized to cease any and all payments to Movant through the plan, and all funds which otherwise would have been disbursed to Movant shall be released for disbursement to other creditors under the plan.

9. This Court has jurisdiction of this action pursuant to the provisions of Title 28 U.S.C. Section 157(b)(2)(G) and 11 U.S.C. Section 362(d).

10. In accordance with the Fair Debt Collection Practices Act, unless the consumer, within thirty days after receipt of this notice, disputes the validity of any portion of the debt, the debt will be assumed valid. If said consumer notifies the undersigned attorney for Plaintiff in writing within said thirty day period that any portion of the debt is disputed, said attorney will obtain verification of the debt and/or judgment and a copy of such verification will be mailed to said consumer by the undersigned attorney for Plaintiff; and upon written request by the consumer within the thirty day period, the undersigned attorney for Plaintiff will provide the

name and address of the original creditor, if different from the current creditor. This is an attempt to collect a debt and any information obtained will be used for that purpose.

WHEREFORE, Movant prays as follows:

(1) For an Order granting relief from the automatic stay, abandoning the property from the bankruptcy estate and allowing Movant to commence and/or complete foreclosure proceedings under applicable state law, including all necessary actions to obtain possession of the property. Alternatively, if Movant is not entitled to relief from the automatic stay, Movant prays:

(2) If relief is granted, the trustee will be deemed to have abandoned his interest in said property and he will be authorized to cease any and all payments to Movant through the plan, and all funds which otherwise would have been disbursed to Movant shall be released for disbursement to other creditors under the plan.

(3) As a result of Debtor's failure to make the required payments, inside or outside the plan, Movant prays that this Bankruptcy case be dismissed, or, in the alternative for an order to be entered excluding Wells Fargo Bank, N.A.'s property from this bankruptcy and the automatic stay herein and abandoning the property from the Bankruptcy Estate, or

(4) For such other relief as this Court deems appropriate.

**NOTICE OF OPPORTUNITY FOR HEARING**

**Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document.** If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than **14** days from the date of filing of this request for relief. You should also mail a file-stamped copy of your response or objection to the undersigned Movant attorney (and others who are required to be served) and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. **The 14 day period includes the 3 days allowed for mailing provided for the Rule 9006(f) Fed.R.Bankr. Proc.**

SHAPIRO & CEJDA, LLC

BY: s/Kirk J. Cejda  
Kirk J. Cejda #12241  
770 NE 63rd St  
Oklahoma City, OK 73105-6431  
(405)848-1819  
Attorney for Wells Fargo Bank, N.A.  
(405)848-2009 (Facsimile No.)  
okecfwestern@logs.com

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 9th of August, 2017, the foregoing pleading was mailed via U.S. Mail, first class, postage prepaid to the following parties, to-wit: Branford Dodd, 12016 Blue Moon Avenue, Oklahoma City, OK 73162, (Debtor) and Imaging Association, Inc./Edmond Open MRI 2224 N.W. 50th, Ste. 276W, Oklahoma City, OK 73112; Rehab America Inc. dba The Therapy Center 1044 S.W. 44th Street, 414, Oklahoma City, OK 73109; Steve Yandell, DC, 911 S. Bryant Avenue, Edmond, OK 73034; and SWOMRI Inc. dba Southwest Open MRI 1044 S.W. 44th, 414, Oklahoma City, OK 73109, (Lien Holders) and all parties listed on the attached Debtor's matrix. Further, I certify that a true and correct copy of the foregoing pleading was electronically served on the 9th of August, 2017, using the CM/ECF system to the following parties: Tearsa Storms Olson, (Attorney for Debtor), John T. Hardeman, (Trustee).

s/Kirk J. Cejda

Kirk J. Cejda #12241

File No. 15-124208